



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/822,037	03/29/2001	Guangxin Wang	H0001831 (4016)	8388

7590 10/09/2002

David G Latwesen PhD
Wells St John
601 West First Avenue Suite 1300
Spokane, WA 99201

EXAMINER

WILKINS III, HARRY D

ART UNIT

PAPER NUMBER

1742

DATE MAILED: 10/09/2002

6

Please find below and/or attached an Office communication concerning this application or proceeding.

TC-6

Office Action Summary	Application No.	Applicant(s)
	09/822,037	WANG, GUANGXIN
	Examiner Harry D Wilkins, III	Art Unit 1742

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 27 August 2002.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 33-37,42-69 and 73 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 33-37 and 73 is/are allowed.
- 6) Claim(s) 42,43,49,51 and 52 is/are rejected.
- 7) Claim(s) 44-48,50 and 53-69 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 29 March 2001 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) Interview Summary (PTO-413) Paper No(s) _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

DETAILED ACTION

1. The rejection under 35 USC 112, 2nd paragraph has been withdrawn in view of the cancellation of claims 40 and 41.
2. All of the previous art rejections under 35 USC 102 have been withdrawn in view of Applicant's amendment of the claims filed 27 August 2002.
3. New grounds of rejection are presented below.

Election/Restrictions

4. Applicant's election without traverse of group 2 in Paper No. 5 by cancellation of non-elected claims is acknowledged.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 42, 43, 49, 51 and 52 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Sawada et al (JP 59-116341).

Sawada et al anticipate the claimed invention. Sawada et al teach (see English abstract) a material that contains only Ni and Ti.

Regarding claim 43, the material of Sawada et al is an alloy.

Regarding claims 49, 51 and 52, the alloy of Sawada et al contains 40-50 wt% Ti.

Response to Arguments

7. Applicant's arguments with respect to claims 42, 43, 49, 51 and 52 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

8. Claims 33-37 and 73 are allowed.

9. Claims 44-48, 50 and 53-69 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. The following is a statement of reasons for the indication of allowable subject matter: claims 33-37: these claims recite that the material is electrolytically formed and none of the prior art teaches this feature and the product of an electrolytic process is different from the product of a non-electrolytic process; claims 44-48, 50 and 53-69: the prior art does not teach or suggest a material of these claims, specifically no combination with V or Ni where the claimed elements are within the claimed ranges; and, claim 73: the prior art does not teach or suggest a Hf-Cr PVD target. For claim 73, the closest prior art is Hunt et al (US 6,056,857) which teaches (see claim 16) that teaches a sputtering target can be one of ten elements or mixtures thereof. Hf and Cr are on the list, however, it would not have been within the expected skill of a routineer in the art to have selected one composition from such a generic disclosure that contains ten elements, 45 possible two element combinations and many more 3 or more element combinations.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harry D Wilkins, III whose telephone number is 703-305-9927. The examiner can normally be reached on M-Th 6:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Roy V King can be reached on 703-308-1146. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Art Unit: 1742

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

Harry D Wilkins, III
Examiner
Art Unit 1742

hdw
October 2, 2002

ROY KING *RK*
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700